

REMARKS

Claims 1, 5-7, 10-13 and 15 were pending in the present application. Claims 5-7, 10-13, and 15 are canceled in the present Amendment. Thus, only claim 1 is presented for consideration upon entry of the present Amendment. Entry and consideration of the present Amendment are respectfully requested, as the Amendment follows the suggestions on p. 9 of the Final Action. No new matter is introduced, so no additional searching is required.

Independent claim 1, as well as dependent claims 3, 5-7 and 9-12 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,254,348 to Hoffman et al. in view of U.S. Patent No. 5,185,212 to Spada et al. and WO 86/06281 to Wick. The features of canceled claims 7 and 13 have been incorporated into claim 1. As claim 13 was not rejected over Hoffman, Spada, and Wick, the rejection is moot, and Applicants request that it be withdrawn.

Dependent claim 13 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffman, Spada and Wick, further in view of U.S. Patent No. 6,632,906 to Kamiyama. Again, claim 13 has been canceled, and the features formerly found therein have been incorporated into claim 1. Applicants respectfully traverse.

Claim 1 recites a tulobuterol adhesive patch which comprises, *inter alia*, an acrylic-based pressure-sensitive adhesive agent which is a copolymer of 2-acetoacetoxyethyl (meth)acrylate, diacetoneacrylamide, tetraethyleneglycol dimethacrylate, 2-ethylhexylacrylate and methylmethacrylate.

The Final Action suggests on p. 9 that Applicants provide data concerning the acetoacetoxyethyl (meth)acrylate (AAMA) of claim 1, and specifically how it compares to the styrene-1,3-diene-styrene (SDS) block copolymer of Hoffman. Applicants respectfully submit, however, that the AAMA of claim 1 and the SDS of Hoffman are entirely different compounds, and there is no direct comparison to be made. The

different than those recited in claim 1 of the present application.

Furthermore, the SDS block copolymer of Hoffman is a synthetic rubber adhesive. Comparative Example 3 of the present specification (§41) discloses a synthetic rubber-based tulobuterol adhesive patch. The synthetic rubber-based tulobuterol adhesive patch shows inferior performance in terms of skin permeabilities (Table 2, §49), skin irritation (Table 3, paragraph §55) and pressure-sensitive adhesive properties (see, Table 3, §61), when compared to the tulobuterol adhesive patch of the present application.

The SDS block copolymer is essential to the invention of Hoffman (col. 2, l. 53-58), and cannot be removed. Thus, the cited combination of Hoffman, Spada, Wick, and Kamiyama discloses compounds that are shown in the present specification to be inferior to the claimed adhesive agent, specifically the synthetic rubber SDS block copolymer of Hoffman.

Accordingly, claim 1 is patentable over Hoffman, Spada, Wick, and Kamiyama. Applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the foregoing, Applicants respectfully submit the present application is in condition for allowance. Such action is solicited.

Respectfully submitted,

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